IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2437 OF 2007

Kailash Bhairoba Sarole. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

R.S.Dave for the applicant.

K.V.Saste, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 13th August 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant has invoked jurisdiction of this Court under section 439 of Code of Criminal Procedure, 1973 (Cr.P.C.) to seek bail in connection with C.R.No.986/2005 registered with Swargate Police Station, Pune for the offences punishable under sections 302, 120(b) read with section 34 of Indian Penal Code and sections 3, 25 of the Indian Arms Act.

3. The learned counsel for the applicant sought to argue that some of the points, which were available to the applicant, were not pressed into service on

earlier two occasions when bail applications preferred by him, viz.; Criminal Application Nos.2061/2006 and 939/2007 were heard and decided by this Court vide orders dated 2nd August, 2006 and 11th April, 2007 respectively.

4. Having heard learned counsel for the applicant, in my considered view, if the bail has already been rejected by this Court, then unless there is change in circumstances no consideration of application for bail is permissible in law. Only because some arguable points were not argued at the earlier occasions cannot be a ground for invoking the jurisdiction of this Court under section 439 of Cr.P.C. for bail afresh. I am not inclined to entertain this application. The application is rejected for the reasons recorded herein and for the reasons recorded in the orders dated 2nd August, 2006 and 11th April, 2007.

JUDGE